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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,914	06/01/2001	Ferdinand Schermel		4663

7590 11/05/2002

Ferdinand Schermel
RR# 10
Brampton, ON L6V 3N2
CANADA

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
3727	17

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner of Patents and Trademarks

(see attached)

Stephen J. Castellano
Primary Examiner
Art Unit: 3727

The reply filed on October 9, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not properly filed an RCE. Applicant has been notified in the Advisory Action, paper No. 11, that the claim language contained in claim 2 of Amendment B filed September 12, 2002 as paper No. 10 is directed to non-elected subject matter and is also considered to be new matter. The amendment submitted with the filing of the RCE virtually incorporates the claim 2 amendments of paper 10 into claim

1. An RCE can not include divisional subject matter. The filing of the RCE can not be considered as a CPA because the original application was filed on June 1, 2001 after May 29, 2000. Therefore, applicant's options include the filing of a continuation under 37 CFR 1.53(b) if he wants to have the newly presented amended claims examined. Since these amendments include new matter, applicant should file a Continuation-in-part (CIP) under 37 CFR 1.53(b). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

All further communication should be in writing as stated in the interview summary filed 9/26/02 as paper No. 14.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Art Unit: 3727

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

S. Castellano
Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc

November 5, 2002